

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

RUSSELL LEROY MCINTYRE, :
: Plaintiff,
v. : : CASE NO.: 1:12-CV-38 (WLS)
: Defendant.
_____ :

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed May 17, 2013. (Doc. 18.) It is recommended that Defendant's Motion to Dismiss (Doc. 13) for lack of prosecution be granted. (Doc. 18 at 2.) No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on May 31, 2013. (See Doc. 18 at 2; Docket). In fact, Judge Langstaff's Report and Recommendation was returned as undeliverable, further evidencing the fact that Plaintiff has failed to keep the Court informed as to his current address, and has failed to diligently prosecute his case.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 18) should be, and hereby is, **ACCEPTED**, **ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendant's Motion to Dismiss (Doc. 13) is **GRANTED**. Plaintiff's Complaint (Docs. 1, 8) is **DISMISSED WITHOUT**

PREJUDICE for failure to prosecute.

SO ORDERED, this 7th day of June, 2013.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**